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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 Red Head, Inc., a California corporation,
13 Plaintiff,

14 v.

15 Fresno Rock Taco, LLC, a California limited
16 liability company, and DOES 1-10,
17 Defendant.

CASE NO. C08-5703 EMC

18 STIPULATION TO EXTEND TIME TO
19 RESPOND TO COMPLAINT AND
20 [PROPOSED] ORDER

21 Date:
22 Time:
23 Dept: C, 15th Floor
24 Judge: Hon. Edward M. Chen

JMBM
Jeffer Mangels
Butler & Marmaro LLP

1 This Stipulation for Extension of Time to File Response to Complaint (the
2 "Stipulation") is made by and between Plaintiff Red Head, Inc. and Defendant Fresno Rock Taco,
3 LLC pursuant to Local Rule 6-1. The Parties each stipulate and agree as follows:

4 **RECITALS**

5 WHEREAS plaintiff Red Head, Inc. filed its complaint on December 22, 2008 and
6 served defendant Fresno Rock Taco, LLC with the summons and complaint on January 5, 2009;

7 WHEREAS pursuant to Fed. Rule of Civ. Proc. § 12(a) defendant's response to the
8 complaint is due January 26, 2009;

9 WHEREAS defendant has requested an extension of time to February 18, 2009 to
10 file its response;

11 WHEREAS plaintiff agreed to the extension provided defendant agreed to the
12 following two conditions;

13 (i) defendant shall not request a further extension of time to respond; and

14 (ii) pursuant to Fed. Rule of Civ. Proc. § 26(d), which provides that parties may seek
15 discovery prior to the Rule 26(f) conference upon stipulation, the parties shall commence written
16 discovery immediately;

17 WHEREAS, pursuant to Local Rule 6-1 this extension of time will not alter any
18 event or deadline already fixed by the Court.

19 **STIPULATION**

20 WHEREFORE, the Parties AGREE and STIPULATE as follows:

21 (1) Defendant has until February 18, 2009 to respond to the complaint;


22 (2) Defendant will not request a further extension of time to respond; and

23 (3) The parties shall commence written discovery immediately.

JMBM
Jeffrey Mangels
Butler & Marmaro LLP

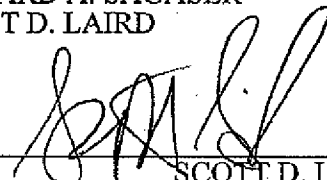
1 DATED: January 22, 2009

JEFFER, MANGELS, BUTLER & MARMARO LLP
JAMES WESLEY KINNEAR
CARLA MENINSKY

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3
4 By: 
5 JAMES WESLEY KINNEAR
Attorneys for Plaintiff RED HEAD, INC.

6 DATED: January 23, 2009


SAGASER, JONES & HELSLEY
HOWARD A. SAGASER
SCOTT D. LAIRD

7
8
9 By: 
10 SCOTT D. LAIRD
11 Attorneys for Defendant FRESNO ROCK TACO, LLC

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13
14 **PROPOSED ORDER**

15 The Court, having reviewed the Stipulation and good cause appearing:
16 IT IS SO ORDERED.

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18 DATED: January 23, 2009


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28 Judge of the United States District Court

JMBM
Jeffer Mangels
Butler & Marmaro LLP